

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

V.

ABBAS A. SHAH and LINUXOR ASSET
MANAGEMENT LLC,

Defendants.

05 CV 8091 (LAK)

ECF Case

PLAINTIFF'S RESPONSE TO THE COURT'S NOVEMBER 29, 2007 ORDER

Pursuant to the Court's Order of November 29, 2007, Plaintiff has discussed this matter with Defendants' counsel, Charles B. Manuel, Jr. Pursuant to those discussions, the parties do not agree that the case should be tried on a record consisting of the moving, opposing and reply papers submitted on the Plaintiff's motion for summary judgment, with the Court making such findings of fact as it deems appropriate on the basis of the paper record. However, Plaintiff submits that this record is sufficient for the Court to grant, in whole, Plaintiff's motion for

summary judgment against the Defendants and respectfully urges the Court to do so.

Dated: New York, New York
December 5, 2007

Respectfully submitted,

U.S. COMMODITY FUTURES TRADING
COMMISSION

/s/

David Acevedo [DA-0388]
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